

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

8/14/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR NO. 03-00495DAE

CASE NAME: United States of America Vs. (10) Benjamin Kaina

ATTYS FOR PLA: Chris A. Thomas

ATTYS FOR DEFT: (10) Katherine Puana Kealoha

INTERPRETER:

JUDGE: David Alan Ezra

REPORTER: Cynthia Fazio

DATE: 8/14/2006

TIME: 10:40am-10:52am

COURT ACTION: EP: Sentencing as to Count 1 of the Indictment as to Defendant (10) Benjamin Kaina-Defendant present in Custody.

Court accepts the Plea Agreement.

The Court adopts the presentence report without change.

Government's Motion for Downward Departure-10:44am-10:46am)-is hereby Granted.

Defendant addresses the Court.

Sentence as to Count 1 of the Indictment-

Imprisonment for a term of 70 Months.

Mittimus Forthwith.

Court Recommendation-
1. Prison Facility-Lompoc
2. Prison Facility-Terminal Island
3. Drug Treatment Program
4. Educational/Vocational Program

Supervised Release-a term of 5 Years.

Special Conditions of Supervised Release-

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

No Fine.

Special Assessment-\$100.00.

Defendant Advised of his right to Appeal.

Government's Motion to Dismiss Counts 2 & 8 of the Indictment-is hereby Granted.

Submitted by Leslie L. Sai, Courtroom Manager